IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

Crl.MC.No. 2313 of 2007()

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CC.36/2006 of JUDL.MAGISTRATE OF FIRST CLASS-II, CHENGANNUR

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PETITIONERS:

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1. PRAMOD,
S/O.CHANDRAN,
KUTHIALA KIZHAKKETHIL VEEDU,
PERINGILIPPURAM MURI,
ENNAKKAD VILLAGE.

2. ASOKAN S/O.AZHAKAN,
ASOKA NILAYAM -DO -DO-

3. SHAJI, S/O.DIVAKARAN, MEENATHETHIL-DO-DO

4. RAJENDRAN, S/O.NANU MUDIYISSERIL VEEDU DO-DO

5. RAHUL A.G.,
VRINDAVANAM VEEDU, ELANJIMEL MURI,
ENNAKKAD VILLAGE.

BY ADV. SRI.P.HARIDAS

RESPONDENTS:

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1. STATE OF KERALA , REPRESENTED BY THE PUBLIC PROSECUTOR , HIGH COURT OF KERALA, ERNAKULAM

2. THE SUB INSPECTOR OF POLICE, CHANEGANNUR

BY PUBLIC PROSECUTOR ADV.SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**Crl.M.C. No.2313 Of 2007**

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Dated this the 19th day of July, 2007

**ORDER**

The petitioners are accused in a prosecution for offences punishable, inter alia, under section 324 IPC. All offences are bailable. Consequent to non appearance of the petitioners, the learned Magistrate rejecting the application for excusing their absence issued warrants of arrest to procure the presence of the petitioners. According to the petitioners they are innocent. Their absence was not wilful and they are willing to surrender before the learned Magistrate and cooperate for the early disposal of the case; but they apprehend that their application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. They therefore pray that a direction may be issued under Section 482 Cr.P.C. to the learned Magistrate to release them on bail when they appear and apply for bail.

2. It is for the petitioners to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which they could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such applications on merits, in accordance with law

and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C.is, in these circumstances, dismissed, but with the specific observation that if the petitioners appear before the learned Magistrate and apply for regular bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself, unless there are compelling reasons.

**(R.BASANT, JUDGE)**

sj

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**P.A.TO JUDGE**